FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 272 OF 2007
IN
SECOND APPEAL STAMP NO. 2954 OF 2007

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. Pratap Patil for applicant.

Mr. H.S. Venegavkar for respondent nos.1A to 1D.

CORAM: B.H. MARLAPALLE,J.

13/06/2007.

P.C.:

. Second Appeal under stamp No. 2954 of 2007 has been filed beyond time by 4 years, 8 months and 6 days and, therefore, this application for condonation of delay.

. However, the Lower Appellate Court by its judgment and order dated 6/3/2002 has modified the decree passed by the trial court in the following terms:-

"The defendant no.1 is restrained from obstructing the plaintiff in his possession over the suit property till the defendant no.1 obtains possession of the suit property by due process of law."

. The present applicant is the plaintiff and is thus duly protected by the decree passed by the Lower Appellate Court till the defendant no.1 obtains possession of the suit property by due process of law. The learned counsel appearing for defendant no.1 states that he has already filed suit and, therefore, till the suit is decided, the plaintiff has been protected.

. Even otherwise, the reasons set out in support of the prayer for condonation of delay do not make out a case

for condonation of delay of 4 years, 8 months and 6 days.

. Hence, the application is rejected.

(B.H. Marlapalle,J.)